

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEFFREY ALONZO SIMMS,

Plaintiff,

V.

HARRY M. FREEMAN, M.D.,
DONNA BURNS, DR., and
MAJOR R. L. HUGHES,

Defendants.

.....

C.A. No. 04-1205-SLR
JURY TRIAL OF 12 DEMANDED

DEFENDANT HARRY FREEDMAN, M.D.'S ANSWER TO COMPLAINT

PARTIES

1. Upon information and belief, admitted.

STATEMENT OF CLAIM

2. As to defendant Freedman, denied.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted pursuant to FRCP 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

In this medical negligence action this Court lacks jurisdiction over the subject matter.

THIRD AFFIRMATIVE DEFENSE

In this medical negligence action, this Court lacks jurisdiction over the person of defendant Harry Freedman, M.D.

WHEREFORE, defendant Harry Freedman, M.D. requests judgment in his favor with costs assessed against the plaintiff.

ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.

/S/Jeffrey M. Austin
JEFFREY M. AUSTIN, ESQ. #2158
300 Delaware Avenue, 17th Floor
P.O. Box 1630
Wilmington, DE 19899-1630
(302) 428-3181
Attorney for Defendant
Harry M. Freeman, M.D.

Dated: October 5, 2005
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AFFIDAVIT OF SERVICE

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

I, KAREN BRYSON LEWIS, secretary to JEFFREY M. AUSTIN, ESQUIRE, in the law firm of Elzufon Austin Reardon Tarlov & Mondell, P.A., do hereby certify that on the 5th day of October, 2005, I caused the attached *Defendant Harry M. Freeman, M.D.'s Answer To Complaint* to be e-filed to the following individual(s):

Jeffrey Alonzo Simms
Inmate #198625
Sussex Correctional Institute
P. O. Box 500
Georgetown, DE 19947

/S/Karen Bryson Lewis
KAREN BRYSON LEWIS

SWORN TO AND SUBSCRIBED before me, a Notary Public, this 5th day of October, 2005.

/S/Robin R. Robinson
NOTARY PUBLIC